IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 15488 of 1995

Between:

Syed Azam

S/o.Syed Aziz,

Amberpet,

Hyderabad

..... PETITIONER

AND

1. The A.P.State Electricity Board,

Vidyut Soudha, Somajiguda,

Hyderabad.

2. The Financial Adviser,

Chief Controller of Accounts,

A.P.S.E.B., Vidyutsoudha,

Somajiguda, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order holding that the action of the respondents in not refunding the amount due under the Voluntary Loan Contribution Scheme as illegal, arbitrary and unreasonable and further direct the

respondents to refund the amount due under P.R.No.4780/7.3.1984 with interest at 18% forthwith.

Counsel for the Petitioner:MR.K.SOMA KONDA REDDY

Counsel for the Respondents: MRS.M.VINOBHA DEVI (SC FOR APTRANSCO)

The Court made the following :

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus to declare the action of the respondents in not refunding the amount due under Voluntary Loan Contribution Scheme as illegal, arbitrary and unreasonable, and to direct the respondents to refund the amount due under P.R.No.4780, dated 7.3.1984 with interest at 18% per annum.

It is the case of the petitioner that he paid a sum of Rs.43,700/- (Rupees forty three thousand and seven hundred only) to respondents under Voluntary Loan Contribution (VLC) Scheme for availing power supply. Under the VLC Scheme, the amount paid by the consumer shall have to be re-paid with interest after five years. The respondents have paid interest amount of Rs.1,720/- (Rupees one thousand and seven hundred and twenty only) to petitioner vide letter dt.16.6.1985. Thereafter nothing was paid to petitioner. After due date, petitioner approached the respondents for refund of the amount, and also made representations, in vain. He also got issued a legal notice dt.6.12.1994 to the respondents seeking repayment of the amount paid under VLC Scheme, which was not responded to by the respondents. Hence, the Writ Petition.

Learned Counsel for the petitioner does not dispute that after filing the Writ Petition, the respondents repaid the amount paid by petitioner towards VLC Scheme. Learned Counsel is also not able to show the right of the petitioner to claim interest at 18% per annum on such deposit.

The Writ Petition is therefore devoid of merits and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

14.7.2004

bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief General Manager,

A.P.Transco, Vidyut Soudha,

Somajiguda, Hyderabad.

2. The Financial Adviser, Chief Controller of Accounts,

A.P.Transco, Vidyut Soudha,

Somajiguda, Hyderabad.

3. 2CCs to Ms.M.Vinobha Devi, SC for AP Transco.

4. 2CD copies

Form-NIC-OGS/WP{ }